

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

Phoenix Capital Group Holdings, LLC,

Plaintiff,

vs.

Incline Energy Partners, L.P.,

Defendant.

Case No. 1:23-cv-00209

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO
ANSWER COMPLAINT**

Defendant Incline Energy Partners, LP (“Incline”) moves the Court for a 21-day extension in which to Answer or otherwise respond to Phoenix Capital Group Holdings, LLC’s (“Phoenix”) Original Complaint and in support respectfully shows the Court as follows.

1. Phoenix filed its Complaint on October 20, 2023. Dkt. No. 1. Incline was served with the Complaint on October 23, 2023, Dkt. No. 3, and its Answer is currently due on November 13, 2023.

2. As a result of prior and continuing obligations in other matters, Incline respectfully moves the Court to extend Incline’s deadline to answer the Complaint by 21 days, until and including December 4, 2023. Counsel’s commitments include preparing an appellate brief due on November 21, 2023, briefing four separate motions in a federal receivership proceeding, each on an expedited briefing schedule, as well as on-going discovery in several additional federal cases.

3. This motion is made in good faith and not for the purpose of delay. Good cause exists for this extension to allow Incline's counsel adequate time to prepare the responsive pleadings warranted by Phoenix's Complaint.

4. This is the first request for extension.

5. Phoenix does not oppose the requested extension.

Dated this 31st day of October 2023.

Respectfully submitted,

By: /s/ Charlene C. Koonce

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CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for the Defendant conferred with counsel for Plaintiff regarding the relief requested above. Plaintiff does not oppose the relief requested in this Motion.

/s/ Charlene C. Koonce

Charlene C. Koonce

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(d)(1)(B), as amended, no certificate of service is necessary, because this document is being filed with the Court's electronic-filing system.

/s/ Charlene C. Koonce

Charlene C. Koonce